

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

CHANEY et al.

Art Unit: 1638

Application No.: 09/147,721

Examiner: M. Ibrahim

Filed: February 24, 1999

Attorney Dkt. No.: 108172-09005

For: METHOD FOR PHYTOMINING OF NICKEL, COBALT AND  
OTHER METALS FROM SOIL

TERMINAL DISCLAIMER UNDER 37 CFR 1.321(b)

Commissioner of Patents  
Washington, D. C. 20231

RECEIVED

JAN 15 2003

Sir:

TECH CENTER 1600/2900

Petitioners, **UNIVERSITY OF MARYLAND**, College Park, MD, **THE UNITED STATES OF AMERICA AS REPRESENTED BY THE SECRETARY OF AGRICULTURE**, Washington, DC, and **UNIVERSITY OF SHEFFIELD**, Sheffield, United Kingdom, represent that they are jointly the assignee of all right, title and interest in and to the above-identified U. S. Patent Application. Petitioners are also the joint assignee of all right, title, and interest in and to U. S. Patent No. 5,711,784, issued January 27, 1998.

Petitioner hereby disclaims the terminal part, if any, of any patent granted on application Serial No. 09/147,721, which would extend beyond the expiration date of United States Patent No. 5,711,784, and hereby agrees that any patent so granted on application Serial No. 09/147,721, shall be enforceable only during such period that the legal title to such patent shall be the same as the legal title to United States Patent No. 5,711,784, this agreement to run with any patent

granted on the application, Serial No. 09/147,721, and to be binding on its grantee, its successors, or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent No. 5,711,784 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Each of the undersigned on behalf of petitioners, **UNIVERSITY OF MARYLAND**, College Park, MD, **THE UNITED STATES OF AMERICA AS REPRESENTED BY THE SECRETARY OF AGRICULTURE**, Washington, DC, and **UNIVERSITY OF SHEFFIELD**, Sheffield, United Kingdom, hereby states and declares: I have the authority to execute this Terminal Disclaimer on behalf of the petitioner under which my signature is affixed.

Each of the undersigned hereby declares: All statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United

States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

**UNIVERSITY OF MARYLAND**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**THE UNITED STATES OF AMERICA  
AS REPRESENTED BY THE  
SECRETARY OF AGRICULTURE**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**UNIVERSITY OF SHEFFIELD**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



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Application No.: 09/147,721

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Respectfully submitted,

UNIVERSITY OF MARYLAND

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

THE UNITED STATES OF AMERICA  
AS REPRESENTED BY THE  
SECRETARY OF AGRICULTURE

By: Jewelle L. Gracter

Title: Patent Advisor

Date: January 8, 2003

UNIVERSITY OF SHEFFIELD

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

CHANNEY et al.

Art Unit: 1638

Application No.: 09/147,721

Examiner: M. Ibrahim

Filed: February 24, 1999

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U. S. Patent Application No. 09/147,721

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Respectfully submitted,

**UNIVERSITY OF MARYLAND**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**THE UNITED STATES OF AMERICA  
AS REPRESENTED BY THE  
SECRETARY OF AGRICULTURE**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**UNIVERSITY OF SHEFFIELD**

By: *D. T. Winstanley* (*DAVID T. WINSTANLEY PhD*)

Title: *Operation Manager, Sheffield University Enterprises*

Date: *7th January 2003*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Confirmation No. 2098

CHANEY et al.

Art Unit: 1638

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**SUBMISSION OF TERMINAL DISCLAIMER**

Commissioner for Patents  
Washington, D. C. 20231

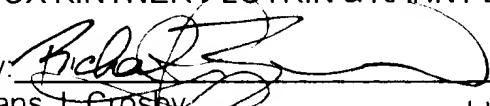
January 10, 2003

Sir:

Submitted herewith for filing in the above-identified application, is a Terminal  
Disclaimer.

Enclosed is a check in the amount of \$520 (small entity) to cover the cost of  
the Terminal Disclaimer fee and the extension fee. In the event that this check is found to  
be insufficient, or if any additional fees are due with respect to the filing of this paper,  
please charge Deposit Account Number 01-2300.

Respectfully submitted,  
ARENT FOX KINTNER PLOTKIN & KAHN PLLC

By:   
for Hans J. Crosby  
Attorney for Applicants  
Reg. No. 44,635

#39107

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Enclosure: Terminal Disclaimer (3)

*Check # 353018*